

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Joseph Migliori,

Case No. 3:16CV1320

Plaintiff

v.

ORDER

Microsoft Corporation, et al.,

Defendants

This is a products-liability action arising under Ohio law.

The plaintiff, Joseph Migliori, alleges that his neighbor's Xbox video game console started a fire in the neighbor's house that ultimately spread to and damaged his own home. Migliori brings claims against defendants Microsoft Corporation, American Family Insurance Company, Allstate Corporation, and Unified Investigations and Sciences, Inc.

On my initial review of the complaint and several of the defendants' motions to dismiss, I discovered that Migliori had not provided any information to establish the defendants' citizenship. I therefore ordered him to supply that information by August 31, 2016. *Migliori v. Microsoft Corp.*, 2016 WL 3962631 (N.D. Ohio).

The deadline came and went without a submission from Migliori.

Thereafter, I again ordered Migliori to file a jurisdictional statement and warned him that, if he failed to do so on or before February 13, 2017, I would dismiss his case for want of prosecution. (Doc. 30).

On February 21, Migliori filed a motion to dismiss all defendants except Microsoft. (Doc. 31). However, the submission contains no information regarding Microsoft's citizenship – its state of incorporation and the state where its principal office is located – and thus does not comply with my prior orders.

As I explained in my prior order, “[i]t is to be presumed that a cause lies outside [a federal court’s] limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction[.]” *Migliori, supra*, 2016 WL 3962631 at *2.

Because Migliori has not rebutted that presumption, because he has twice failed to comply with my orders, and because I have warned him about the consequences of continued non-compliance, I will dismiss his case with prejudice for want of prosecution.

It is, therefore,

ORDERED THAT:

1. Migliori's complaint (Doc. 1) be, and the same hereby is, dismissed with prejudice for want of prosecution; and
2. All outstanding motions (Docs. 6, 15, 16, 22, 25, 26, 31) be, and the same hereby are, denied as moot.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge